

BEST AVAILABLE COPY

Serial No. 10/782,794

REMARKS

The suggested change to page 1, line 10 of the specification has been made, which should overcome the objection to the specification and the related rejection of the claim. Minor, self-evident changes have been made in the paragraph also.

The requirement for information is acknowledged, and in reply thereto the Examiner is informed that the first sale of 'Cetwotone Pink' to the public took place in the Netherlands in August 2002, when flowers were offered at the Flower Auction. The trade designation of this variety is 'Twotone Pink.' The first advertisement of the variety appeared in a horticultural magazine in March 2003; a copy of the advertisement is enclosed. The Examiner is directed to the lower right-hand portion of the second page.

Enclosed also are the PBR application, denomination proposal and grant, as requested.

The Examiner will note that application was made under code using a so-called breeder's reference, contrary to the information retrieved from the UPA-ROM (the error appeared in the transmission of the Community Plant Variety Office (CPVO) data, as a review of

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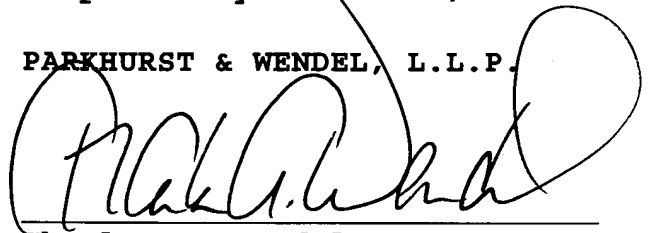
the copy of the appropriate enclosed letter dated January 17, 2005 will establish). More particularly, the provisional designation was 99.0428-00; see the first page of the PBR application and the November 30, 2001 and February 17, 2003 letters from the CPVO to the assignee. An initial was filed February 25, 2003 to denominate the variety as 'Two Tone Pink.' A subsequent proposal was filed January 26, 2004 to denominate the variety as 'Cetwotone Pink.' The proposal for the denomination 'Cetwotone Pink' was published April 15, 2004, almost two months after the filing of the instant application in the United States. Thus no one would have been able to make an association between the sales abroad and the name of the cultivar until after the filing of the application. There is no barrier to patentability here.

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In view of the foregoing revisions and remarks, it is respectfully submitted that the application is in condition for allowance and a USPTO paper to those ends is earnestly solicited. The Examiner is requested to telephone the undersigned if additional changes are required in the case prior to allowance.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.



Charles A. Wendel

Registration No. 24,453

January 24, 2005

Date

CAW/jmz

Enclosures

Attorney Docket No.: CHRE:178

PARKHURST & WENDEL, L.L.P.
1421 Prince Street, Suite 210
Alexandria, Virginia 22314-2805
Telephone: (703) 739-0220

PLEASE ACCEPT THIS AS
AUTHORIZATION TO DEBIT
OR CREDIT FEES TO
DEP. ACCT. 16-0331
PARKHURST & WENDEL

akblad voor de

58e jaargang
7 maart 2003

Bloemisterij

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*Gerbera
is rendabel
te belichten*

Bescherm uw
computer tegen
ongewenste reclame

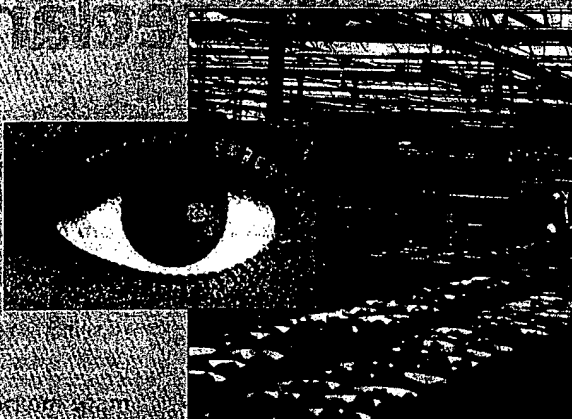
In één keer van
oppervlaktewater naar
goed gietwater

Anthurium verpakt
in een zakje met lucht:
de *flowpack*

Met uitvloeier wordt
droge potgrond weer
makkelijker nat

SORTEREN?...

blik op Terra Vision



camerasorteersystemen
voor het beoogde resultaat
bel 071 3619424

de machinebouwers

TERRA
INTERNATIONAL

Keyersway 19, 2201 CW Noordwijk Fax 071 3613978

Space-O-Mat MK-II
Potten transport- en wijderzetsysteem

VISSER



Snelheid en flexibiliteit !



- Combinatie van standaard Toyota heftruck met computer besturing en vork voor het transporteren en meerdere malen wijderzetten van potplanten.
- Zeer hoge capaciteit voor oppakken en wijderzetten.
- Het wijderzetten duurt ca. 10-14 seconden per vork.
- Door het speciale, gepatenteerde patroon van de potten in de vork tot 4-5 % meer planten per m².
- Eenvoudig systeem met een lange levensduur.
- Leverbaar voor potmaat 9 t/m 40 cm.
- Geschikt voor betonvloeren en anti-worteldoek.
- Ook leverbaar als speciaal 'out-door' model met dieselmotor voor boomkwekerijen.

Voor meer informatie
kunt u vragen naar
Hans Preesman of
een e-mail sturen.

++ 31(0)78 673 9800
sales@visserite.com
www.visserite.com

Dealer voor Zuid-
Oost-NL is Cotech
++31(0)24 32 22 837
Dealer voor België is
Paulina Bvba
++32 (0)475 282 432

Bentley
Kiko
Two Tone

knap eigenwijs

en toch chrysant !

splervitte bloemlinten mis al tegen het groene rans. Onder de pluizen is de Japanse Kiko een spectaculaire nieuwkomer.

opvallende troschrysant, dus kies ook voor anders, voor menig, voor eigenwijs.



European Union

Community Plant Variety Office

**APPLICATION FOR COMMUNITY PLANT VARIETY RIGHT
TO THE COMMUNITY PLANT VARIETY OFFICE**

For use of National Agency only, if necessary

Via National Agency:

File No:

For Office's use only

Date of application:

Priority date:

File number of application:

To be filled in by the applicant

Botanical Taxon: *DENDRANTHEMA / CHRYSANTHEMUM*

Provisional designation: *99.0428-00*

<p>1. Applicant(s) Name(s) (if natural person please indicate christian name first):</p> <p>CHRYSANTHEMUM BREEDERS ASSOCIATION N.V</p> <p>Telephone : + 31 (0) 297 347870 Fax : + 31 (0) 297 344612</p> <p>E-mail (if existing): cba @ tref.nl</p> <p>If a natural person, indicate the nationality and address:</p> <table border="0"><tr><td>Nationality</td><td>Address</td></tr><tr><td></td><td></td></tr></table> <p>If a legal person (eg. a firm or company), indicate the address of its seat or establishment :</p> <p>RYSHORNSTRAAT 205 1435 HH RYSENHOUT NEDERLAND</p> <p>Indicate the name and address of the natural person, being an employee of the legal person, who is duly authorised to represent the legal person (eg. a director of a company or a partner of a firm):</p> <p>R. NOODELYK POSTBUS 376 1430 AZ AALSMEEER - NL</p> <p>Telephone : + 31 (0) 297 347870 Fax : + 31 (0) 297 344612</p> <p>E-mail (if existing): cba @ tref.nl</p>	Nationality	Address			Office use
Nationality	Address				
<p>2. If a procedural representative has been designated, please indicate his name and address and file the relevant signed credentials (see instructions): (For applicants not having a domicile, seat or establishment within the territory of the European Union, a procedural representative with a domicile, seat or establishment therein is required)</p> <p>Telephone : + /</p> <p>Fax : + /</p> <p>E-mail (if existing): @</p>					

<p>3. Address to which correspondence is to be sent if different from 1 or 2.</p> <p>POSTBUS 370 1430 AZ AALSMEER NEDERLAND</p> <p>Telephone : + / Fax : + / </p> <p>E-mail (if existing) : @ </p>	<p>Office use</p>
<p>4. Botanical taxon: Latin name of the genus, species or subspecies to which the variety belongs and the common name:</p> <p>OGNDRANTHEMA CHRYSANTHEMUM</p>	
<p>5. a) Where appropriate your proposal for the variety denomination (please also fill in the the form "Proposal for variety denomination"):</p> <p>b) In any case, the provisional designation (breeder's reference) for the variety (in BLOCK LETTERS) :</p> <p>99.0428-00</p>	
<p>6. The original breeder(s) is/are <input type="checkbox"/> the applicant(s) <input checked="" type="checkbox"/> the following(s) person(s)</p> <p>Name(s) and address(es) if different from applicant:</p> <p>CBA RESEARCH BV POSTBUS 370 1430 AZ AALSMEER NEDERLAND</p> <p>Téléphone : + 31 (0) 297 347070 Fax : + 31 (0) 297 344612 Email (if existing) : cba@tref.nl</p> <p>If the original breeder(s) is(are) not the applicant(s), how was the variety transferred to the applicant(s):</p> <p><input checked="" type="checkbox"/> contract <input type="checkbox"/> succession <input type="checkbox"/> other (specify)</p> <p>Please provide relevant documentary evidence in original or officially certified form.</p>	

7. Details of all other applications made in a Member State of the EU or in a Member of the International Union for the Protection of New Varieties of Plants (UPOV):		Office use
<input type="checkbox"/> Plant Variety Rights <input type="checkbox"/> Official Variety List <input type="checkbox"/> Patent Date Filing State Authority Application N° Stage Variety denomination or breeder's reference	<input type="checkbox"/> Plant Variety Rights <input type="checkbox"/> Official Variety List <input type="checkbox"/> Patent Date Filing State Authority Application N° Stage Variety denomination or breeder's reference	
(If necessary, continue on a separate sheet)		<div style="border: 1px solid black; padding: 5px; text-align: center;">Supplementary sheet</div>
8. Priority is now claimed in respect of the earliest application for a property right filed : in (country): on (date of application):		
9. a) Has the variety been sold or otherwise exploited? - Within the territory of the European Union <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please indicate date and country of the first disposal of the variety and the designation used: <div style="display: flex; justify-content: space-between;"> Date Country Denomination </div> - Outside the territory of the European Union <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please indicate date and country of the first disposal of the variety and the designation used: <div style="display: flex; justify-content: space-between;"> Date Country Denomination </div>		

[illegible]

12. In the event of the grant of a Community plant variety right, the certificate will be issued in the language in which the application was filed, unless an indication is given below of the desire to have the certificate issued instead in the following official language of the EU:

ENGLISH

13. Application Fee : Has the payment of the Application Fee already been arranged?



Yes



No

Please fill out and attach the form « Details of payment »

14. The following forms or documents are attached to this application :
Please tick the relevant boxes



1 Technical questionnaire (original + one copy)



2 Technical questionnaire, confidential part (original + one copy)



3 Form of designation of a procedural representative



4 Proposal for a variety denomination (original + one copy)



5 Documentary evidence of entitlement to file an application



6 Priority claim (certified copy of the first application)



7 Form "Details of payment"



8 Photographs (in case of fruit and ornamental varieties)



9 Copy of the relevant written release consent (for GMOs)



10 Others: please specify

The technical questionnaire and the form of designation of any procedural representative form part of the application.

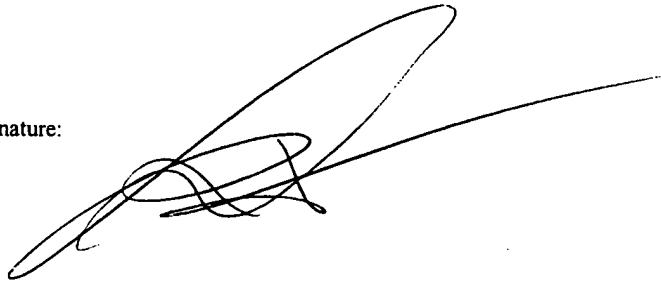
15. DECLARATIONS

- ☞ - I (We) hereby apply for the grant of a Community plant variety right.
- ☞ - Authorisation is hereby given to the Community Plant Variety Office to exchange with the Examination Offices and other competent authorities all necessary information and material related to the variety provided that the rights of the applicant are safeguarded.
- ☞ - I (We) hereby declare that, to the best of my (our) knowledge, the information necessary for the examination of the application, given in this form and the annexes, is complete and correct.
- ☞ - I (We) hereby declare that no person other than the person or persons mentioned in this application has been involved in the breeding, or discovery and development, of the variety.

Place: RYSENHOUT

Date: 15/11/01

Signature:



SEE INSTRUCTIONS



Tick if necessary



European Union
Community Plant Variety Office

Application date/...../.....

File number/.....
(not to be filled in by the applicant)

TECHNICAL QUESTIONNAIRE
to be completed in connection with an application for Community plant variety rights

1. Botanical taxon: Latin name of the genus, species or sub-species to which the variety belongs and common name:

Genus *Chrysanthemum spec.*

CHRYSANTHEMUM (Perennial)

Species (indicate) *MORIFOLIUM*

2. a) Applicant(s): Name(s) and address(es), phone and fax number(s), and where appropriate name and address of the procedural representative

CHRYSANTHEMUM BREEDERS ASSOCIATION N.V.
POSTBUS 370
1430 AJ AALSMEER
THE NETHERLANDS.

3. Variety denomination

a) Where appropriate proposal for a variety denomination:

b) Provisional designation (breeder's reference):

99.0428-00

4. Information on origin, maintenance and reproduction of the variety

4.1 Origin

* SEE CONFIDENTIAL PART
FOR DETAILS.

- (a) Seedling (indicate parent varieties) ☒
- (b) Mutation (indicate parent variety) ☐
- (c) Discovery (indicate where and when) ☐

4.2 Method of propagation

- (a) Cuttings..... ☒
- (b) In vitro propagation..... ☐
- (c) Other (indicate)..... ☐

4.3 Other information on genetic origin and breeding method

/

4.4 Geographical origin of the variety: the region and the country in which the variety was bred or discovered and developed.

NL (THE NETHERLANDS)

5. Characteristics of the variety to be indicated (the number in brackets refers to the corresponding characteristic in Test Guidelines; please mark the state of expression which best corresponds).

Characteristics	Example Varieties	Note
5.1 Flower head: type (15)		
single		1 <input checked="" type="checkbox"/>
semi-double		2 <input type="checkbox"/>
double		3 <input type="checkbox"/>

Characteristics	Example Varieties	Note
5.2. Ray floret: longitudinal axis of majority of (34) ray florets		
reflexing		1 <input checked="" type="checkbox"/>
straight		2 <input type="checkbox"/>
incurving		3 <input type="checkbox"/>
twisted		4 <input type="checkbox"/>
broken		5 <input type="checkbox"/>
5.3 Varieties with short corolla tube only: (37) Ray floret: cross-section of ray		
concave		1 <input type="checkbox"/>
flat		2 <input checked="" type="checkbox"/>
convex		3 <input type="checkbox"/>
5.4 Varieties with long corolla tube only: (40) Ray floret: shape of end		
quilled		1 <input type="checkbox"/>
spatulate		2 <input type="checkbox"/>
incurved		3 <input type="checkbox"/>
<p>Please fill in point (i) if possible, otherwise point (ii)</p> <p>5.5(i) Ray floret: colour of inner side of majority (47) of ray florets</p> <p>RHS colour chart (indicate reference number)</p> <p>Red Purple 72 A, White 155 D at the tips (see additional information)</p>		

Characteristics	Example Varieties	Note	
5.5(ii) Ray floret: colour of inner side of majority of (47) ray florets			
white.....		<input type="checkbox"/>	
yellow.....		<input type="checkbox"/>	
pink.....		<input type="checkbox"/>	
salmon.....		<input type="checkbox"/>	
red.....		<input type="checkbox"/>	
purple.....		<input type="checkbox"/>	
bronze.....		<input type="checkbox"/>	
5.6 Disc floret: type (58)			
tubular		1 <input checked="" type="checkbox"/>	
funnel shaped		2 <input type="checkbox"/>	
petaloid		3 <input type="checkbox"/>	
6. Similar varieties and differences from these varieties			
Denomination of similar variety	Characteristic in which the similar variety is different ^{a)}	State of expression of similar variety	State of expression of candidate variety
• HARLEKIJN	FLOWERSIZE	LARGER	TYPE OF COLORING AND THE PURPLE
• REMIX	FLOWERCOLOR	LARGER	
• BENNIE			
• JULINK			
— SEE ADDITIONAL INFORMATION —			
^{a)} In the case of identical states of expressions of both varieties, please indicate the size of the difference.			
7. Additional information which may help to distinguish the variety A representative colour photo of the variety must be added to the Technical Questionnaire			
7.1 Resistance to pests and diseases /			

7.2 Special conditions for the examination of the variety

☐ YES, please specify

☒ NO

7.3 Other information

Use: complete (i) or (ii) depending on the main use of the variety:

(i) All Year Round (AYR) varieties

cut flower..... ☒

pot plant..... ☐

spray variety..... ☒

disbudded variety..... ☐

response group in weeks: 7

recommended flowering period (if any): A-Y-R

(ii) Natural season varieties

cut flower..... ☐

pot plant..... ☐

garden plant..... ☐

exhibition variety (specify type)..... ☐

spray variety..... ☐

disbudded variety..... ☐

flowering period:

recommendations for stopping/pinching:

8. GMO-information required

The variety represents a Genetically Modified Organism within the meaning of Article 2(2) of Council Directive EC/90/220 of 23/04/1990

☐ yes

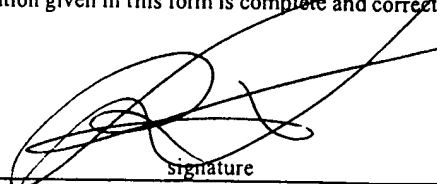
☒ no

If yes, please add a copy of the written attestation of the responsible authorities stating that a technical examination of the variety under Articles 55 and 56 of the Basic Regulation does not pose risks to the environment according to the norms of the above-mentioned Directive.

I/we hereby declare that to the best of my/our knowledge the information given in this form is complete and correct

Ryzenhart

date 15/11/01


signature

[End of document]



TQ-Conf-EN

European Union

Community Plant Variety Office

Ref. Application N°

(For Office use only)

TECHNICAL QUESTIONNAIRE

Confidential part

1. Applicant: Name and address

CHRYSANTHEMUM BREEDERS ASSOCIATION N.V.
Ryshornstraat 205
1435 HH Rysenhout
THE NETHERLANDS

2. Provisional designation of the variety (breeder's reference):

99.0428-00

3. Information on data relating to components of hybrid varieties including data related to their cultivation (e.g. sowing date):

CROSSING

Breeding scheme (indicate female component at the first place):

97.0243 x bennie jolink

☐ request confidentiality for the information above and for withholding data relating to components including their cultivation.

Date: 15/11/01

Signature:

Additional information application 99.0428 -00

Specification of differences with similar varieties and more details about flower color.

- 1) The added photo is too much red. The actual color on the paint is more purple.
- 2) The added photo shows a bloom of a "spring" crop, planted week 10 , flowering week 18
The comparison of purple and white will be different in summer and autumn flowering. Then, about 1/4 of the petals is white.

The indicated varieties have a same "appearance" with regard to the type of coloring, the bi-color effect. In several aspects they are different. With regard to the flower the other varieties have a much larger flower and the type of purple is quite different.

ASSIGNMENT OF ENTILEMENT TO COMMUNITY
PLANT VARIETY RIGHTS

Regulation 2100/94/EC of 27 July 1994

I*/We* CBA Research B.V.
Rijshornstraat 205
1435 HH Rijsenhout
THE NETHERLANDS

telephone: 31(0)297-347870
fax: 31(0)297-344612

Being the breeder(s) assign to

Chrysanthemum Breeders Association N.V.
Rijshornstraat 205
1435 HH Rijsenhout
THE NETHERLANDS

telephone: 31(0)297-347870
fax: 31(0)297-344612

the entitlement to apply for and to hold Community plant variety rights under Regulation 2100/94/EC of 27 July 1994 in the following variety(ies)

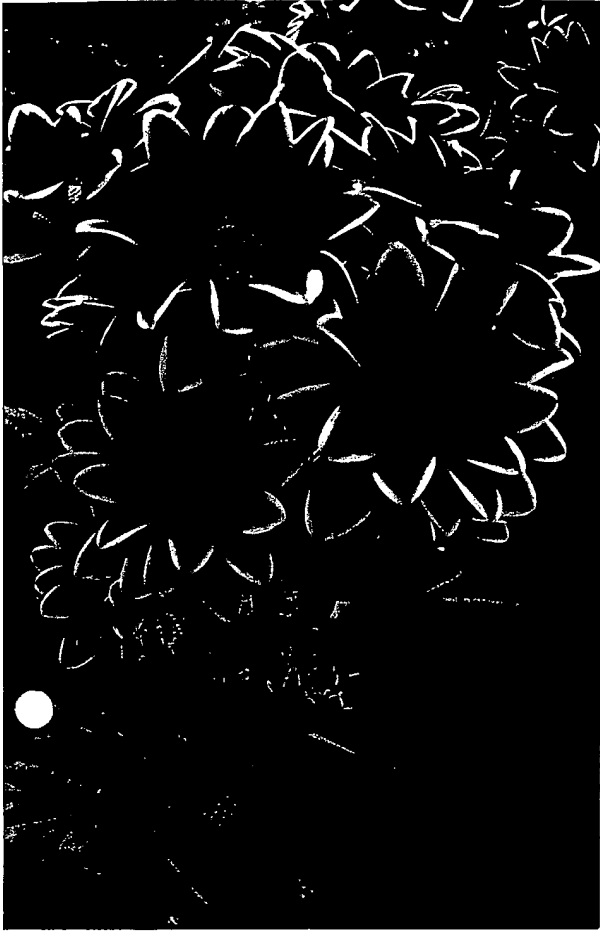
Chrysanthemum 99.0428-00
.....
.....
.....

SIGNED
FOR AND ON BEHALF OF

R. NOODELIJK
CBA RESEARCH B.V.

R. NOODELIJK
C.B.A. N.V.

DATE15/11/01



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EUROPEAN UNION

COMMUNITY PLANT VARIETY OFFICE
r-form

**CHRYSANTHEMUM BREEDERS
ASSOCIATION N.V.
POSTBUS 370
NL - 1430AJ AALSMEER**

Angers, 30/11/2001

The Community Plant Variety Office herewith acknowledges the receipt of your application for a Community plant variety right in respect of a plant variety with the following provisional designation:

99.0428-00
Chrysanthemum

File number of the application: **2001/1850**
Date of receipt at the Office: **21/11/2001**
National agency and its file n°:

1.- Date of application

Date of application: **21/11/2001**

- ☒ **The application is complete.**
- ☐ **The application does not contain the following details necessary for its further processing:**
- ☐ **The Office will refuse the application if the deficiencies listed above are not remedied within two months from the date of issue of this receipt.**

2.- Application Fee

- ☒ The application fee has been received in good order.
- ☐ The Office has not yet received the application fee.

3.- Priority

- ☐ Priority date
- ☒ No priority claim received.
- ☐ A sufficient copy of the earliest application has been provided.
- ☐ The applicant is required to provide a copy of the earliest application, which must be certified by the authority responsible for that application. If such copy is not received within three months of the date of application, the claim for priority will lapse

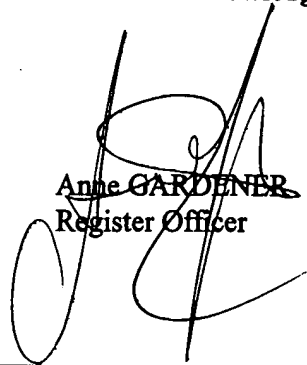
4.- Proposal for a variety denomination

- ☒ No proposal for a variety denomination has been received. A form for proposing a variety denomination is attached to this receipt. The Office recommends submitting a proposal for a variety denomination at an early stage in the procedure in order to avoid unnecessary delay in the procedure.
- ☒ If no proposal for a variety denomination is received at the time of receipt of the final results of the technical examination, the application will be refused.

5.- Other remarks

It is essential to fill out all points of the application form and the technical questionnaire. If however some of the questions are "not applicable", please state so (N/A). The nonfulfilment of this basic requirement could trigger the issuance of an acknowledgment of receipt without application date.

On behalf of the Community Plant Variety Office,


Anne GARDENER
Register Officer



European Union
Community Plant Variety Office

Angers, 17 February 2003

URGENT

S.Y. FUNG
CHRYSANTHEMUM BREEDERS
ASSOCIATION N.V.
POSTBUS 370
NL - 1430 AJ AALSMEER

Subject: Application n° 2001/1850 - Request for a denomination

Dear Ms. Fung,


It appears from our records that no variety denomination has yet been proposed in relation to your application for a Community Plant Variety Right for the variety of *Chrysanthemum*, with breeder's reference '99.0428-00'.

The Community Plant Variety Office must warn you that, where no variety denomination has been proposed by the time the Office is in receipt of the results of the technical examination, the Office is compelled to reject an application for a Community Plant Variety Right in accordance with articles 29(2) of Commission Regulation (EC) N°1239/95 and 61(1)(c) of Council Regulation (EC) N° 2100/94.

Please therefore contact the Office as soon as possible, and in any event **within ten working days of the date of this letter**, with your proposal in the enclosed form.

On behalf of the Community Plant Variety Office,

Yours sincerely,



Sergio Semon



European Union

Community Plant Variety Office

P-form-EN

Date of receipt

(for Office use only)

PROPOSAL FOR A VARIETY DENOMINATION

1. Applicant: name and address: CBA NV P.O. Box 370 1430 AJ Aalsmeer, The Netherlands											
2. Provisional designation of the variety (breeder's reference): 99 0428 00											
3. Botanical taxon: Latin name of the genus, species or sub-species to which the variety belongs and common name: Chrysanthemum chrysanthemum											
4. File no., if already known: 2001/1850											
5. A denomination may be in the form of a "fancy name" or a "code" and the appropriate set of rules will apply accordingly (see Official Gazette of the Office n° 3/2000). (Please tick the appropriate answer): <input type="checkbox"/> 1. CODE <input checked="" type="checkbox"/> 2. FANCY NAME Attention : if no answer is indicated, the Office will treat your proposal as a fancy name. PROPOSAL FOR A VARIETY DENOMINATION: TWO TONE PINK (Please propose only one and use CAPITAL letters)											
6. If any, the preceding proposal for a variety denomination made to the Office:											
7. Denominations proposed for entry or entered in an official register in a Member State of the EU or in a Member of UPOV: <table border="1"><thead><tr><th>Filing State</th><th>Stage</th><th colspan="2">Denomination (if different from 5 above).</th></tr></thead><tbody><tr><td></td><td></td><td colspan="2"></td></tr></tbody></table>				Filing State	Stage	Denomination (if different from 5 above).					
Filing State	Stage	Denomination (if different from 5 above).									
8. <input type="checkbox"/> The proposed denomination has been filed by or registered for the applicant (s) as a trademark in the EU or in a Member of UPOV or with the International Bureau of the World Intellectual Organization (WIPO) in respect of products that are identical or similar within the meaning of trademark law. <table border="1"><thead><tr><th>State and/or WIPO</th><th>Date of application</th><th>Date of registration</th><th>Registration number</th></tr></thead><tbody><tr><td></td><td></td><td></td><td></td></tr></tbody></table>				State and/or WIPO	Date of application	Date of registration	Registration number				
State and/or WIPO	Date of application	Date of registration	Registration number								
I/We hereby declare that, to the best of my/our knowledge, the above information given in this form is complete and correct. Place : Rysenhout Date: 25/2/2003 Signature(s): Suncyig Suny											



EUROPEAN UNION
COMMUNITY PLANT VARIETY OFFICE

INGEKOMEN 19 JAN. 2004

Fung S.Y.
CBA Research B.V.
P.O.Box 370
NL - 1430 AJ Aalsmeer

Angers, 14 January 2004

Our Ref.: rc/jm/40334a

Subject: Your application for Community Plant Variety Rights
N° 2001/1850

Dear Sirs,

We are writing to inform you that the Community Plant Variety Office has received observations from the German authorities relating to the variety below to the effect that the variety denomination which you have proposed is unsuitable pursuant to article 63 of Council Regulation (EC) No 2100/94:

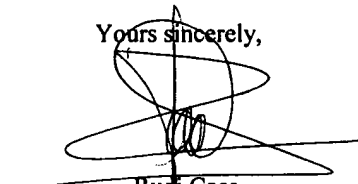
<u>File N°</u>	<u>Species</u>	<u>Proposed denomination</u>
2001/1850	<i>Chrysanthemum</i>	Two Tone Pink

Article 63.3.(f) states that 'There is an impediment for the designation of a variety denomination where it is liable to mislead or to cause confusion concerning the characteristics, the value or the identity of the variety, or the identity of the breeder or any other party to proceedings.'. In this case "pink" is a colour, which is specified by "two tone". A denomination cannot consist of a characteristic only.

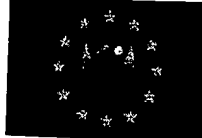
The Office must refuse an application for a CPVR if it considers that the applicant has not proposed a suitable variety denomination pursuant to article 63. In due course the Office will decide whether the proposed denomination is suitable. In the meantime, we would be grateful if you could let us have any comments that you would like to make in relation to the observations within one month of the date of this letter. You may of course submit a new proposal for the variety denomination on the enclosed form if you wish.

For the Community Plant Variety Office,

Yours sincerely,


Rudi Caes
Denomination Assistant

Community Plant Variety Office - P.O. Box 62141 - F- 49021 Angers Cedex 02
Telephone : +33-2-41 25 64 00 - Telefax : +33-2-41 25 64 10 - Direct line Rudi Caes : +33-2- 41 25 64 36
Email : caes@cpvo.eu.int - Internet <http://www.cpvo.eu.int>



European Union
Community Plant Variety Office

P-form-EN

Date of receipt

(for Office use only)

PROPOSAL FOR A VARIETY DENOMINATION

1. Applicant: name and address:

Chrysanthemum Breeders Association NV
P.O. Box 370, 1430 AJ Aalsmeer, the Netherlands

2. Provisional designation of the variety (breeder's reference):

99:0428-00

3. Botanical taxon: Latin name of the genus, species or sub-species to which the variety belongs and common name:

Chrysanthemum morifolium

4. File no., if already known:

2007/1850

5. A denomination may be in the form of a "fancy name" or a "code" and the appropriate set of rules will apply accordingly (see *Official Gazette of the Office* n° 3/2000).

(Please tick the appropriate answer):

☐

1. CODE

☒

2. FANCY NAME

Attention : if no answer is indicated, the Office will treat your proposal as a fancy name.

PROPOSAL FOR A VARIETY DENOMINATION:

CETWOTONE PINK

(Please propose only one and use CAPITAL letters)

6. If any, the preceding proposal for a variety denomination made to the Office:

Two Tone Pink

7. Denominations proposed for entry or entered in an official register in a Member State of the EU or in a Member of UPOV:

Filing State	Stage	Denomination (if different from 5 above).

8. ☐ The proposed denomination has been filed by or registered for the applicant (s) as a trademark in the EU or in a Member of UPOV or with the International Bureau of the World Intellectual Organization (WIPO) in respect of products that are identical or similar within the meaning of trademark law.

State and/or WIPO	Date of application	Date of registration	Registration number

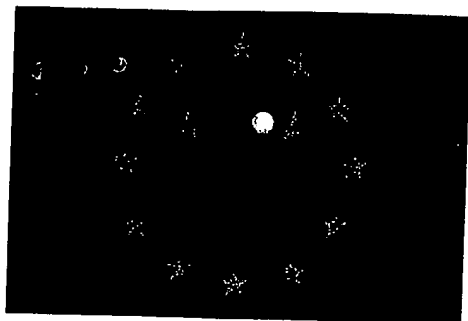
I/We hereby declare that, to the best of my/our knowledge, the above information given in this form is complete and correct.

Place : Rijsenhout

Date: 26/1/2004

Signature(s): *Sungijun*

BEST AVAILABLE COPY



CERTIFICATE ON THE GRANT OF COMMUNITY PLANT VARIETY RIGHTS

THE COMMUNITY PLANT VARIETY OFFICE HEREBY ACKNOWLEDGES THE GRANT OF COMMUNITY PLANT VARIETY RIGHT BY ITS DECISION N° EU 13836 OF 19 JULY 2004 TAKEN IN ACCORDANCE WITH COUNCIL REGULATION (EC) N° 2100/94 ON COMMUNITY PLANT VARIETY RIGHTS, WITH EFFECT FROM THE DATE OF THE DECISION REFERRED TO ABOVE, FOR

CHRYSANTHEMUM BREEDERS ASSOCIATION N.V.
RIJSHORNSTRAAT 205
NL - 1435 HH RIJSENHOUT

AS HOLDER OF THIS RIGHT,

REPRESENTED BY

C.B.A. RESEARCH B.V.

BEING DOMICILED OR HAVING HIS SEAT OR ESTABLISHMENT IN

POSTBUS 370
NL - 1430 AJ AALSMEER

IN RESPECT OF THE VARIETY OF *Chrysanthemum* BEARING THE DESIGNATED DENOMINATION

CETWOTONE PINK

FOR A PERIOD EXPIRING ON 31 DECEMBER 2029 AT THE LATEST.

THE COMMUNITY PLANT VARIETY RIGHT HAS UNIFORM EFFECT WITHIN THE TERRITORY OF THE EUROPEAN COMMUNITY AND MAY NOT BE TRANSFERRED IN RESPECT OF THIS TERRITORY OTHERWISE THAN ON SUCH UNIFORM BASIS. IT CAN BE EXERCISED AND ENJOYED BY THE HOLDER IN ACCORDANCE WITH COUNCIL REGULATION N° 2100/94 ON COMMUNITY PLANT VARIETY RIGHTS.

THIS ACKNOWLEDGEMENT DOES NOT AFFECT THE REQUIREMENT OF THE HOLDER TO PAY THE FEES DUE FOR EACH YEAR OF DURATION OF THE COMMUNITY PLANT VARIETY RIGHT.



Van: Ying Fung [y.fung@cbaresearch.nl]
Verzonden: donderdag 6 januari 2005 12:49
Aan: 'caes@cpvo.eu.int'
Onderwerp: further correction UPOV cd rom

Dear mr. Caes,

In addition to my previous request for correction of relevant data for the chrysanthemum varieties 'Redock Yellow' and 'Redock White', I like to inform you that also for the chrysanthemum variety 'Cetwotone Pink' (application no 2001/1850) I have detected an error in the transmission of CPVO data to the UPOV cd-rom. Also for this variety the date of proposal of the denomination was erroneously transmitted and set on the application date.

Can you inform mrs. Anne Marie Grunsberg of the USA Plant Patent Office of this error and supply her with the correct date of denomination proposal? The reference no for correspondance to her is serial no 10/782,794.

United States Department of Commerce
United States Patent and Trademark Office
Commissioner for Patents
P.O. Box 1450
Alexandria
Virginia 22313-1450
USA

Regards,

S.Y. Fung

CBA Research B.V.
Rijshornstraat 205, Rijsenhout
P.O. Box 370, 1430 AJ Aalsmeer
The Netherlands

tel +31 (0)297 34 78 70; mobile +31 (0) 6 22 22 23 49
fax + 31 (0)297 34 46 12
e-mail: y.fung@cbaresearch.nl; website: www.cba-nv.com (NEW!)



European Union
Community Plant Variety Office

Mrs. Anne-Marie Grunberg

United States Dept. of Commerce
Patent and Trademark Office
Commissioner for Patents
P.O. Box 1450
Alexandria
Virginia 22313-1450
USA

Our ref: rc/jm/50020d

Subject: Observation to a submitted variety denomination

Denomination

Cetwotone Pink

Put up for registration with the US Patent and
Trademark Office under ref. 10/782,794.

Species

Chrysanthemum

Applicant (name and address)

Chrysanthemum Breeders Association
(the Netherlands)

Bulletin

UPOV CD ROM no. 6/2004

Observation

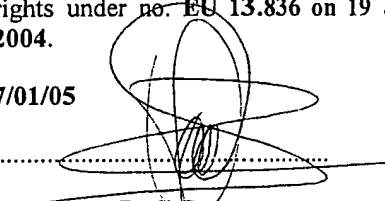
Please be informed that this denomination
was **proposed on 29 January 2004**, as
opposed to the information available on
the UPOV CD ROM (21 November
2001).

Published on 15 April 2004 (2001/1850)
and granted Community plant variety
rights under no. **EU 13.836** on **19 July
2004**.

Date

7/01/05

Signature


Rudi Caes

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